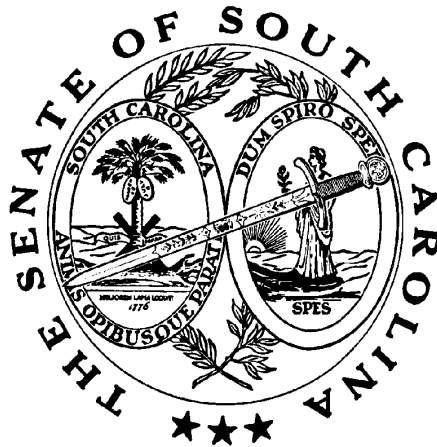


NO. 6

**JOURNAL**  
**OF THE**  
**SENATE**  
**OF THE**  
**STATE OF SOUTH CAROLINA**



**REGULAR SESSION BEGINNING TUESDAY, JANUARY 13, 2009**

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**WEDNESDAY, JANUARY 28, 2009**

**Wednesday, January 28, 2009**  
**(Statewide Session)**

~~Indicates Matter Stricken~~  
Indicates New Matter

The Senate assembled at 2:00 P.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

A quorum being present, the proceedings were opened with a devotion by the Chaplain as follows:

Ecclesiastes tells us that:

“The wind blows to the south, and goes around to the north; round and round goes the wind, and on its circuits the wind returns. All streams run to the sea, but the sea is not full; to the place where the streams flow, there they continue to flow.

All things are wearisome; more than one can express; the eye is not satisfied with seeing, or the ear filled with hearing.”

(Ecclesiastes 1:6-8)

Let us pray:

In his typical manner and style, dear Lord, we hear the Teacher in Ecclesiastes reminding us that nature and also people go through cycles that are repetitious and seemingly endless. That which is experienced will be repeated over and over. It is the way of life, so we read in Scripture. That may be so, O God, yet we are also taught that if we honor You and seek to learn from You, we can break the patterns of the past and embrace the hope which You promise to us. To that end, Holy God, strengthen the resolve, the wisdom, and the energy of each of these Senators, enabling them to lead South Carolina in new and worthy directions—for the benefit of all citizens, and to Your glory. In Your name we pray, dear Lord.

Amen.

The PRESIDENT called for Petitions, Memorials, Presentments of Grand Juries and such like papers.

**MESSAGE FROM THE GOVERNOR**

The following appointments were transmitted by the Honorable Mark C. Sanford:

**Local Appointments**

Reappointment, Greenville County Board of Voter Registration, with the term to commence March 15, 2008, and to expire March 15, 2010

Gerald W. Barron, Jr., 20 Farrell Kirk Lane, Greenville, SC 29615

**WEDNESDAY, JANUARY 28, 2009**

Reappointment, Greenville County Board of Voter Registration, with the term to commence March 15, 2008, and to expire March 15, 2010

Lyman Wayne Davis, 608 North Weston Street, Fountain Inn, SC 29644

Reappointment, Greenville County Board of Voter Registration, with the term to commence March 15, 2008, and to expire March 15, 2010

William Donald Owens, 408 West Poinsett Street, Greer, SC 29650

**RECALLED AND COMMITTED**

On motion of Senator RYBERG, with unanimous consent, the following appointment was recalled from the Committee on Labor, Commerce and Industry.

Initial Appointment, South Carolina Board of Occupational Therapy, with the term to commence September 30, 2008, and to expire September 30, 2011

Public:

David P. Putman, 1139 Bethcar Church Road, Wagner, SC 29164  
*VICE* Marshall Mitchell

On motion of Senator RYBERG, with unanimous consent, the appointment was committed to the Committee on Medical Affairs.

**REGULATION RECEIVED**

The following was received and referred to the appropriate committee for consideration:

Document No. 4019

Agency: Department of Labor, Licensing and Regulation - Office of Occupational Safety and Health

SUBJECT: Occupational Safety and Health Act

Received by Lieutenant Governor January 16, 2009

Referred to Medical Affairs Committee

Legislative Review Expiration May 16, 2009

**Doctor of the Day**

Senator LEVENTIS introduced Dr. Gary Culbertson of Sumter, S.C., Doctor of the Day.

**WEDNESDAY, JANUARY 28, 2009**

**Leave of Absence**

On motion of Senator GROOMS, at 2:05 P.M., Senator BRIGHT was granted a leave of absence for today and tomorrow.

**Expression of Personal Interest**

Senator GROOMS rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator McCONNELL rose for an Expression of Personal Interest.

**CO-SPONSORS ADDED**

The following co-sponsors were added to the respective Bills:

Sen. Bright	S. 1, 2, 3, 4, 36, 123, 128, 129, 130, 138, 139, 145, 150,156, 158, 160, 161, 162, 163, 164, 165, 203, 208, 214, 219, 221,229
Sen. Campbell	S. 1, 4, 13, 103, 191
Sen. Campsen	S. 1
Sen. Courson	S. 324
Sen. McConnell	S. 115
Sen. Rose	S. 14, 174, 191, 295, 220, 230,
Sen. Ford	S. 4, 8, 146, 156
Sen. Sheheen	S. 212
Sen. Scott	S. 286
Sen. L. Martin	S. 1, 2, 107
Sen. Knotts	S. 1, 4, 8, 156, 191

**RECALLED AND COMMITTED**

S. 180 -- Senators Massey and Bryant: A BILL TO AMEND SECTION 56-5-6540 OF THE 1976 CODE, RELATING TO SAFETY BELTS, TO PROVIDE THAT A VIOLATION OF ANY SAFETY BELT PROVISION IS ADMISSIBLE AS EVIDENCE IN A CIVIL ACTION TO ESTABLISH COMPARATIVE NEGLIGENCE UNDER CERTAIN CIRCUMSTANCES.

Senator GROOMS asked unanimous consent to make a motion to recall the Bill from the Committee on Transportation.

There was no objection.

The Bill was recalled from the Committee on Transportation.

**WEDNESDAY, JANUARY 28, 2009**

Senator GROOMS asked unanimous consent to make a motion to commit the Bill to the Committee on Judiciary.

The Bill was committed to the Committee on Judiciary.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 326 -- Senators Davis and Pinckney: A BILL TO AUTHORIZE THE BOARD OF EDUCATION FOR THE BEAUFORT COUNTY SCHOOL DISTRICT TO IMPOSE AN IMPACT FEE ON ANY DEVELOPER FOR EACH NEW RESIDENTIAL DWELLING UNIT CONSTRUCTED BY THE DEVELOPER WITHIN THE SCHOOL DISTRICT, TO PROVIDE THAT THE FUNDS MAY ONLY BE USED FOR THE CONSTRUCTION OF PUBLIC EDUCATION FACILITIES FOR GRADES K-12 WITHIN THE DISTRICT AND FOR THE PAYMENT OF PRINCIPAL AND INTEREST ON EXISTING OR NEW BONDS ISSUED BY THE DISTRICT, AND TO PROVIDE THAT THE IMPACT FEE SHALL BE SET AT AN AMOUNT NOT TO EXCEED THE COST THAT EACH ADDITIONAL DWELLING UNIT IMPOSES ON THE SCHOOL DISTRICT FOR PUBLIC EDUCATION FACILITIES.

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Read the first time and ordered placed on the Local and Uncontested Calendar.

S. 327 -- Senator Pinckney: A BILL TO AUTHORIZE THE BOARD OF EDUCATION FOR THE JASPER COUNTY SCHOOL DISTRICT TO IMPOSE AN IMPACT FEE ON ANY DEVELOPER FOR EACH NEW RESIDENTIAL DWELLING UNIT CONSTRUCTED BY THE DEVELOPER WITHIN THE SCHOOL DISTRICT, TO PROVIDE THAT THE FUNDS MAY ONLY BE USED FOR THE CONSTRUCTION OF PUBLIC EDUCATION FACILITIES FOR GRADES K-12 WITHIN THE DISTRICT AND FOR THE PAYMENT OF PRINCIPAL AND INTEREST ON EXISTING OR NEW BONDS ISSUED BY THE DISTRICT, AND TO PROVIDE THAT THE IMPACT FEE SHALL BE SET AT AN AMOUNT NOT TO EXCEED THE COST THAT EACH ADDITIONAL DWELLING UNIT IMPOSES ON THE SCHOOL DISTRICT FOR PUBLIC EDUCATION FACILITIES.

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**WEDNESDAY, JANUARY 28, 2009**

Read the first time and ordered placed on the Local and Uncontested Calendar.

S. 328 -- Senators Verdin, Grooms, Cromer, Campbell, Bright, Bryant and Campsen: A BILL TO AMEND SECTION 47-5-60 OF THE 1976 CODE, RELATING TO INOCULATING PETS AGAINST RABIES, SO AS TO PROVIDE THAT THESE INOCULATIONS MUST BE ADMINISTERED BY A LICENSED VETERINARIAN OR SOMEONE UNDER THE DIRECT SUPERVISION OF A LICENSED VETERINARIAN.

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Read the first time and referred to the Committee on Agriculture and Natural Resources.

S. 329 -- Senator Fair: A BILL TO AMEND ARTICLE 5, CHAPTER 3, TITLE 24 OF THE 1976 CODE BY ADDING SECTION 24-3-580, TO PROHIBIT THE DISCLOSURE OF THE IDENTITY OF MEMBERS OF AN EXECUTION TEAM AND TO ALLOW FOR CIVIL PENALTIES FOR A VIOLATION OF THE SECTION, AND BY ADDING SECTION 24-3-590, TO PROHIBIT LICENSING AGENCIES FROM TAKING ANY ACTION TO REVOKE, SUSPEND, OR DENY A LICENSE TO ANY PERSON WHO PARTICIPATES ON AN EXECUTION TEAM.

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Read the first time and referred to the Committee on Corrections and Penology.

S. 330 -- Senator Leventis: A JOINT RESOLUTION TO PROVIDE THAT THE BUDGET AND CONTROL BOARD SHALL SERVE AS THE CHIEF EXECUTIVE OFFICER OF THE STATE FOR PURPOSES OF THE RECEIPT AND DISBURSEMENT OF FEDERAL FUNDS PURSUANT TO THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009.

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Read the first time and referred to the Committee on Finance.

S. 331 -- Senators McConnell and Williams: A JOINT RESOLUTION A JOINT RESOLUTION TO ADOPT REVISED CODE VOLUME 21 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO THE EXTENT OF ITS CONTENTS, AS THE

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ONLY GENERAL PERMANENT STATUTORY LAW OF THE STATE AS OF JANUARY 1, 2009.

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Read the first time and referred to the Committee on Judiciary.

S. 332 -- Senator Leventis: A BILL TO AMEND SECTIONS 6-1-530 AND 6-1-730, BOTH AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO USES ALLOWED FOR THE REVENUE OF THE LOCAL ACCOMMODATIONS AND LOCAL HOSPITALITY TAX, SO AS TO INCREASE FROM TWENTY TO FIFTY PERCENT, IN COUNTIES IN WHICH LESS THAN NINE HUNDRED THOUSAND DOLLARS IN STATE ACCOMMODATIONS TAX IS COLLECTED ANNUALLY, THE AMOUNT OF THE REVENUE OF THE LOCAL TAXES THAT MAY BE USED FOR OPERATIONS AND MAINTENANCE.

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Read the first time and referred to the Committee on Finance.

S. 333 -- Senators Campsen, Campbell and Grooms: A BILL TO AMEND ARTICLE 9, CHAPTER 1, TITLE 1 OF THE 1976 CODE, BY ADDING SECTION 1-1-711 TO DESIGNATE THE BOTTLENOSE DOLPHIN AS THE OFFICIAL STATE MARINE MAMMAL OF SOUTH CAROLINA.

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Read the first time and referred to the Committee on Judiciary.

S. 334 -- Senators Campsen, Grooms and Rose: A BILL TO ENACT THE "SOUTH CAROLINA ELECTION REFORM ACT"; TO AMEND SECTION 7-1-60 OF 1976 CODE, RELATING TO EACH OFFICE AS A SEPARATE AND DISTINCT OFFICE, TO PROVIDE THAT A CANDIDATE'S NAME MAY ONLY APPEAR ON THE BALLOT ONCE FOR THE SAME OFFICE; TO AMEND SECTION 7-13-72, RELATING TO POLL MANAGERS, TO PROVIDE CERTAIN DISQUALIFICATIONS FOR A PERSON TO BE APPOINTED A POLL MANAGER, TO PROVIDE THAT PERSONS APPOINTED AS POLL MANAGERS SHOULD BE FAIRLY REPRESENTATIVE OF THE TWO LARGEST POLITICAL PARTIES IN THE COUNTY TO THE EXTENT POSSIBLE, AND TO ALLOW POLL MANAGERS TO SERVE LESS THAN THE ENTIRE TIME THE POLLS ARE OPEN; TO

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AMEND SECTION 7-15-410, TO REQUIRE AN EARLY VOTING PRECINCT IN EACH COUNTY TO ALLOW ELECTORS TO VOTE DURING THE FOUR WEEKS PRECEDING AN ELECTION; TO AMEND SECTION 7-13-710, RELATING TO THE IDENTIFICATION A PERSON MUST PRESENT IN ORDER TO VOTE, TO REQUIRE A PERSON TO PRESENT PHOTO IDENTIFICATION OR EXECUTE AN AFFIDAVIT INDICATING THAT THE PERSON HAS A RELIGIOUS OBJECTION TO BEING PHOTOGRAPHED; TO AMEND SECTIONS 7-25-20, 7-25-70, AND 7-25-120, ALL RELATING TO VIOLATIONS OF THE ELECTION LAWS, TO PROVIDE THAT A FIRST OFFENSE IS A MISDEMEANOR AND ANY SECOND OR SUBSEQUENT OFFENSE IS A FELONY, AND TO IMPOSE UNIFORM PENALTIES; TO AMEND SECTION 7-25-110, RELATING TO VOTING TWICE IN ONE ELECTION, TO PROVIDE THAT THE OFFENSE MUST BE DONE KNOWINGLY, AND TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON TO CAST A VOTE FOR ANY OFFICE IN THIS STATE FOR WHICH RESIDENCY IN A PARTICULAR PRECINCT OR DISTRICT IS REQUIRED IF THE PERSON HAS VOTED IN OR INTENDS TO VOTE FOR ANOTHER SUBSTANTIALLY SIMILAR OFFICE; AND TO AMEND SECTION 7-25-190, RELATING TO GENERAL OFFENSES AGAINST THE ELECTION LAWS, TO PROVIDE FOR A UNIFORM FINE.

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Read the first time and referred to the Committee on Judiciary.

S. 335 -- Senators Sheheen and Bryant: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 2-17-55 SO AS TO PROHIBIT THE USE OF PUBLIC FUNDS TO EMPLOY OR CONTRACT WITH A PERSON WHOSE ACTIVITIES INCLUDE THOSE RELATED TO LOBBYING AND TO PROVIDE EXCEPTIONS.

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Read the first time and referred to the Committee on Judiciary.

S. 336 -- Senators Grooms and Bright: A BILL TO AMEND ARTICLE 23, CHAPTER 5, TITLE 56 OF THE 1976 CODE, RELATING TO REGULATING TRAFFIC ON HIGHWAYS, BY ADDING SECTION 56-5-3010 TO ESTABLISH THE CRIME OF

[SJ]



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CAUSING DEATH BY VEHICLE WHILE DRIVING ILLEGALLY;  
AND BY ADDING SECTION 56-5-3020 TO ESTABLISH THE  
CRIME OF CAUSING GREAT BODILY HARM BY VEHICLE  
WHILE DRIVING ILLEGALLY AND TO PROVIDE FOR  
PENALTIES FOR VIOLATIONS.

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Read the first time and referred to the Committee on Judiciary.

S. 337 -- Senators Cleary and Peeler: A BILL TO AMEND SECTION 44-1-60, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO APPEALS FROM DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL DECISIONS GIVING RISE TO CONTESTED CASES, SO AS TO FURTHER PROVIDE PROCEDURES FOR REVIEW OF CERTIFICATE OF NEED DECISIONS AND CONTESTED CASE HEARINGS; TO AMEND SECTION 44-7-130, RELATING TO THE DEFINITION OF TERMS USED IN THE STATE CERTIFICATE OF NEED AND HEALTH FACILITY LICENSURE ACT, SO AS TO REVISE, DELETE, AND ADD CERTAIN DEFINITIONS; TO AMEND SECTION 44-7-150, RELATING TO DUTIES OF THE DEPARTMENT IN CARRYING OUT THE PURPOSES OF THE CERTIFICATE OF NEED PROGRAM, SO AS TO FURTHER SPECIFY THE ESTABLISHMENT AND COLLECTION OF FEES FOR THIS PROGRAM, INCLUDING THE DEPARTMENT RETAINING FEES IN EXCESS OF SEVEN HUNDRED FIFTY THOUSAND DOLLARS FOR THE ADMINISTRATION OF THIS PROGRAM; TO AMEND SECTION 44-7-160, RELATING TO ACTIVITIES AND SERVICES REQUIRED TO OBTAIN A CERTIFICATE OF NEED, SO AS TO REVISE AND ELIMINATE CERTAIN ACTIVITIES AND SERVICES; TO AMEND SECTION 44-7-170, AS AMENDED, RELATING TO EXEMPTIONS FROM THE CERTIFICATE OF NEED PROCESS, SO A TO REVISE, ELIMINATE AND ADD TO THESE EXEMPTIONS; TO AMEND SECTION 44-7-180, RELATING TO THE COMPOSITION OF THE HEALTH PLANNING COMMITTEE, SO AS TO ADD TWO MEMBERS TO THE COMMITTEE; TO AMEND SECTION 44-7-190, RELATING TO PROJECT REVIEW CRITERIA USED IN THE CERTIFICATE OF NEED PROCESS, SO AS TO PRESCRIBE THE USE OF WEIGHTED CRITERIA; TO AMEND SECTION 44-7-200, RELATING TO THE APPLICATION PROCESS FOR A

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CERTIFICATE OF NEED, SO AS TO CORRECT PROVISIONS INCONSISTENT WITH CURRENT STATE LAW AND TO PROHIBIT OFFICIALS FROM COMMUNICATING WITH THE DEPARTMENT ONCE A CERTIFICATE OF NEED APPLICATION HAS BEEN FILED; TO AMEND SECTION 44-7-210, RELATING TO CERTIFICATE OF NEED REVIEW PROCEDURES, SO AS TO REVISE THESE PROCEDURES AND TO FURTHER SPECIFY REVIEW AND CONTESTED CASE PROCEDURES FOR CERTIFICATE OF NEED CASES; TO AMEND SECTION 44-7-220, RELATING TO JUDICIAL REVIEW OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL BOARD DECISIONS, SO AS TO CORRECT PROCEDURES INCONSISTENT WITH CURRENT LAW AND TO FURTHER PROVIDE FOR JUDICIAL REVIEW OF ADMINISTRATIVE LAW COURT CERTIFICATE OF NEED DECISIONS; TO AMEND SECTION 44-7-230, RELATING TO VARIOUS REQUIREMENTS FOR AND LIMITATIONS OF A CERTIFICATE OF NEED, SO AS TO PROVIDE THAT A CERTIFICATE OF NEED IS VALID FOR ONE YEAR FROM ISSUANCE, RATHER THAN FOR SIX MONTHS AND TO PROVIDE THAT EXTENSIONS MAY BE GRANTED FOR NINE MONTHS, RATHER THAN FOR SIX MONTHS; TO AMEND SECTION 44-7-260, AS AMENDED, RELATING TO CERTAIN FACILITIES AND SERVICES REQUIRED TO BE LICENSED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, SO AS TO DELETE CHIROPRACTIC INPATIENT FACILITIES AND TO ADD BIRTHING CENTERS; TO AMEND SECTION 44-7-270, RELATING TO ANNUAL HEALTH FACILITY LICENSURE, SO AS TO AUTHORIZE THE DEPARTMENT TO PRESCRIBE IN REGULATION PERIODS FOR LICENSURE AND RENEWAL AND TO AUTHORIZE IMPOSING AN ADDITIONAL FEE FOR FACILITY INSPECTIONS; TO AMEND SECTION 44-7-280, RELATING TO THE ISSUANCE OF HEALTH FACILITY LICENSES BY THE DEPARTMENT, SO AS TO AUTHORIZE THE DEPARTMENT TO PROVIDE IN REGULATION FOR PERIODS OF LICENSURE; TO AMEND SECTION 44-7-315, AS AMENDED, RELATING TO THE DISCLOSURE OF INFORMATION OBTAINED BY THE DEPARTMENT THROUGH HEALTH LICENSING, SO AS TO MAKE TECHNICAL CORRECTIONS; TO AMEND SECTION 44-7-320, RELATING TO GROUNDS FOR THE

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DENIAL, SUSPENSION, OR REVOCATION OF LICENSES AND THE IMPOSITION OF FINES, SO AS TO ALLOW BOTH SANCTIONS AGAINST A LICENSE AND THE IMPOSITION OF A FINE; BY ADDING SECTION 44-7-225 SO AS TO PROVIDE THAT THE ADMINISTRATIVE LAW COURT SHALL CONSIDER THE SOUTH CAROLINA HEALTH PLAN IN EFFECT WHEN A CERTIFICATE OF NEED APPLICATION WAS FILED AND MAY CONSIDER THE PLAN IN EFFECT WHEN MAKING ITS DECISION; BY ADDING SECTION 44-7-285 SO AS TO REQUIRE HEALTH CARE FACILITIES TO NOTIFY THE DEPARTMENT OF CHANGE IN FACILITY OWNERSHIP; BY ADDING SECTION 44-7-296 SO AS TO AUTHORIZE THE DEPARTMENT TO ENTER ALL LICENSED AND UNLICENSED HEALTH CARE FACILITIES TO INSPECT FOR COMPLIANCE WITH STATE LAW; AND TO REPEAL SECTION 44-7-185 RELATING TO A TASK FORCE UNDER THE HEALTH CARE PLANNING AND OVERSIGHT COMMITTEE, TO STUDY HEART SURGERY AND THERAPEUTIC HEART CATHETERIZATIONS.

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Read the first time and referred to the Committee on Medical Affairs.

S. 338 -- Senator Elliott: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLES 108 AND 109 TO CHAPTER 3, TITLE 56 SO AS TO PROVIDE FOR THE ISSUANCE OF DISTINGUISHED SERVICE CROSS AND BRONZE STAR WITH VALOR DEVICE SPECIAL LICENSE PLATES.

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Read the first time and referred to the Committee on Transportation.

S. 339 -- Senators Rankin, Leatherman, Malloy, Elliott and Land: A BILL TO AMEND SECTION 57-1-410 OF THE 1976 CODE, RELATING TO THE APPOINTMENT OF THE SECRETARY OF TRANSPORTATION, TO PROVIDE THAT THE JOINT TRANSPORTATION REVIEW COMMITTEE MUST SCREEN AND NOMINATE CANDIDATES FOR APPOINTMENT TO SECRETARY OF TRANSPORTATION TO THE GOVERNOR, TO PROVIDE THAT THE SECRETARY MAY BE REMOVED ONLY FOR CAUSE, TO PROVIDE THAT THE SECRETARY IS

[SJ]

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APPOINTED TO A SIX-YEAR TERM, AND TO PROVIDE THAT THE SECRETARY IS THE SUBJECT OF AN ANNUAL PERFORMANCE REVIEW AND EVALUATION BY THE JOINT TRANSPORTATION REVIEW COMMITTEE; TO AMEND SECTION 57-1-430, TO PROVIDE THAT THE SECRETARY HAS A DUTY TO THE CITIZENS OF SOUTH CAROLINA TO EXECUTE THE POWERS AND RESPONSIBILITIES OF HIS OFFICE IN THE MANNER THAT IS MOST ADVANTAGEOUS TO THE NEEDS AND DESIRES OF THE PUBLIC AND RESULTS IN THE MOST TIMELY, ECONOMICAL, AND SUCCESSFUL PLANNING, CONSTRUCTION, MAINTENANCE, OPERATION OF, AND ADDITION TO THE STATE HIGHWAY SYSTEM; AND TO AMEND SECTION 57-1-730, TO PROVIDE FOR THE SCREENING PROCEDURE FOR THE SECRETARY, TO PROVIDE FOR ANNUAL PERFORMANCE REVIEW AND EVALUATION OF THE SECRETARY, TO PROVIDE FOR AN ANNUAL EVALUATION OF THE COMMISSION, AND TO PROVIDE THAT THE OFFICE OF SECRETARY IS VACANT AND THAT THE SCREENING PROCESS FOR A NEW SECRETARY MUST COMMENCE AS SOON AS PRACTICABLE.

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Read the first time and referred to the Committee on Transportation.

H. 3281 -- Reps. Edge, Miller, G. A. Brown, Battle, Anderson and Jennings: A JOINT RESOLUTION DIRECTING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES WHEN ADJUSTING ITS BUDGET IN RESPONSE TO REVENUE REDUCTIONS TO MAINTAIN FUNDING FOR HOSPICE SERVICES AT THE LEVEL IN PLACE ON DECEMBER 31, 2008.

Read the first time and referred to the Committee on Finance.

H. 3307 -- Reps. Gunn and Harrell: A CONCURRENT RESOLUTION TO INVITE THE HONORABLE BARACK H. OBAMA, PRESIDENT OF THE UNITED STATES OF AMERICA, TO ADDRESS THE SOUTH CAROLINA GENERAL ASSEMBLY IN JOINT ASSEMBLY IN THE CHAMBER OF THE HOUSE OF REPRESENTATIVES AT A TIME TO BE DETERMINED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE PRESIDENT TEMPORE OF THE SENATE.

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The Concurrent Resolution was introduced and referred to the Committee on Invitations.

H. 3344 -- Reps. Jennings, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gullick, Gunn, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND THE DILLON HIGH SCHOOL FOOTBALL TEAM FOR ITS OUTSTANDING SEASON AND FOR CAPTURING THE 2008 CLASS AA STATE CHAMPIONSHIP TITLE, AND TO HONOR THE TEAM'S EXCEPTIONAL PLAYERS, COACHES, AND STAFF.

The Concurrent Resolution was adopted, ordered returned to the House.

### **REPORTS OF STANDING COMMITTEES**

Senator L. MARTIN from the Committee on Judiciary submitted a favorable report on:

S. 1 -- Senators McConnell, Peeler, Leatherman, Sheheen, Rose, Courson, Elliott, Massey, Hayes, Davis, Bright, Campsen and Campbell: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 7, ARTICLE X OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE REQUIREMENT FOR THE STATE AND ITS POLITICAL SUBDIVISIONS TO HAVE BUDGET PROCESSES DESIGNED TO KEEP REVENUES AND EXPENDITURES IN BALANCE, THE

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LIMITATION ON STATE APPROPRIATIONS, AND THE LIMITATIONS ON STATE EMPLOYEES, SO AS TO DELETE THE EXISTING STATE SPENDING LIMITATION AND REQUIRE THE GENERAL ASSEMBLY TO REPLACE IT BY A LAW IMPOSING AN ANNUAL LIMIT ON THE APPROPRIATION OF STATE GENERAL FUND REVENUES BY ADJUSTING SUCH REVENUES BY A ROLLING TEN-YEAR AVERAGE IN ANNUAL CHANGES IN GENERAL FUND REVENUES; TO ALLOW THE CREATION OF A BUDGET STABILIZATION FUND IN THE STATE TREASURY TO WHICH MUST BE CREDITED ALL GENERAL FUND REVENUES IN EXCESS OF THE ANNUAL LIMIT; AND TO PROVIDE BY GENERAL LAW FOR THE APPROPRIATIONS TO WHICH THE LIMIT APPLIES, THE METHOD OF AND SOURCES FOR CALCULATING THE LIMIT; AND TO PROVIDE FOR THE DISBURSEMENTS FROM THE BUDGET STABILIZATION FUND.

Ordered for consideration tomorrow.

Senator KNOTTS from the Committee on Judiciary submitted a favorable report on:

S. 4 -- Senators McConnell, Campsen, Rose, Bryant, Elliott, Peeler, Bright and Campbell: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "SOUTH CAROLINA TEACHER PROTECTION ACT OF 2009", BY ADDING SECTION 59-25-900, SO AS TO PROVIDE THAT A TEACHER MAY BRING A CIVIL ACTION AGAINST A STUDENT WHO COMMITS A CRIMINAL OFFENSE AGAINST THE TEACHER IF THE OFFENSE OCCURS ON SCHOOL GROUNDS OR AT A SCHOOL-RELATED EVENT, OR IF THE OFFENSE IS DIRECTLY RELATED TO THE TEACHER'S PROFESSIONAL RESPONSIBILITIES, AND TO PROVIDE THAT NO TEACHER HAS CIVIL LIABILITY TO A STUDENT OR TO A PARTY ACTING IN THE INTEREST OF THE STUDENT FOR AN ACT OR OMISSION BY THE TEACHER THAT OCCURS WHILE THE TEACHER IS ACTING ON BEHALF OF THE SCHOOL; AND TO AMEND SECTION 16-3-612, RELATING TO THE OFFENSE OF A STUDENT COMMITTING ASSAULT AND BATTERY AGAINST A PERSON AFFILIATED WITH A SCHOOL IN AN OFFICIAL CAPACITY, SO AS TO REDEFINE INTO THREE OFFENSES WITH SEPARATE PENALTIES FOR EACH,

[SJ]

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INCLUDING ESTABLISHING THE MOST SERIOUS OFFENSE AS A FELONY.

Ordered for consideration tomorrow.

Senator GROOMS from the Committee on Transportation submitted a favorable report on:

S. 13 -- Senators Leatherman, Elliott and Campbell: A BILL TO AMEND SECTION 56-3-910 OF THE 1976 CODE, RELATING TO MOTOR VEHICLE FEES, TO PROVIDE THAT FEES BE PLACED IN THE STATE HIGHWAY ACCOUNT OF THE TRANSPORTATION INFRASTRUCTURE BANK INSTEAD OF THE DEPARTMENT OF TRANSPORTATION.

Ordered for consideration tomorrow.

Senator GROOMS from the Committee on Transportation submitted a favorable report on:

S. 103 -- Senators Grooms, Campsen and Campbell: A BILL TO AMEND SECTION 57-5-10 OF THE 1976 CODE, RELATING TO THE GENERAL COMPOSITION OF THE STATE HIGHWAY SYSTEM, TO PROVIDE THAT ALL HIGHWAYS IN THE STATE HIGHWAY SYSTEM MUST BE BUILT ACCORDING TO STATE STANDARDS; TO AMEND SECTION 57-5-70, RELATING TO ADDITIONS TO THE STATE HIGHWAY SECONDARY SYSTEM, TO ALLOW THE DEPARTMENT OF TRANSPORTATION TO ADD COUNTY AND MUNICIPAL ROADS TO THE STATE HIGHWAY SYSTEM WHEN NECESSARY FOR THE INTERCONNECTIVITY OF THE STATE HIGHWAY SYSTEM; TO AMEND SECTION 57-5-80, RELATING TO THE DELETION AND REMOVAL OF ROADS FROM THE STATE HIGHWAY SECONDARY SYSTEM, TO PROVIDE FOR THE REMOVAL OF ROADS FROM THE STATE HIGHWAY SYSTEM WHEN A COUNTY, MUNICIPALITY, SCHOOL, OR OTHER GOVERNMENTAL AGENCY AGREES TO ACCEPT THE ROAD INTO ITS OWN HIGHWAY SYSTEM; AND TO REPEAL SECTION 57-5-90, RELATING TO BELT LINES AND SPURS.

Ordered for consideration tomorrow.

Senator L. MARTIN from the Committee on Judiciary submitted a favorable report on:

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S. 146 -- Senators Campsen and Rose: A BILL TO AMEND THE 1976 CODE BY ADDING SECTION 20-3-240 TO ENACT THE "FAMILY COURT FINANCIAL PRIVACY ACT" TO PROVIDE THAT A FINANCIAL DECLARATION MADE A PART OF THE RECORD IN A MATTER BEFORE THE FAMILY COURT MUST BE SEALED, TO PROVIDE ACCESS TO A FINANCIAL DECLARATION UPON REQUEST ONLY BY THE PARTIES, THE COURT AND PERSONNEL OF THE COURT, AND THE CHILD SUPPORT ENFORCEMENT DIVISION OF THE DEPARTMENT OF SOCIAL SERVICES, AND TO PROHIBIT OTHER ACCESS EXCEPT UPON ORDER OF THE COURT FOR GOOD CAUSE SHOWN; AND TO AMEND SECTION 30-4-40, RELATING TO EXEMPTIONS FROM THE FREEDOM OF INFORMATION ACT, TO EXEMPT FINANCIAL DECLARATIONS IN MATTERS BEFORE THE FAMILY COURT EXCEPT ON ORDER OF THE COURT FOR GOOD CAUSE SHOWN.

Ordered for consideration tomorrow.

Senator MALLOY from the Committee on Judiciary submitted a favorable report on:

S. 156 -- Senators Campsen, Rose, Elliott, Davis and Bright: A BILL TO AMEND THE 1976 CODE TO ENACT THE "JUDICIAL ELECTIONS REFORM ACT" BY AMENDING SECTION 2-19-70, RELATING TO PLEDGING, TO PROHIBIT A PERSON OR JUDICIAL CANDIDATE FROM DIRECTLY OR INDIRECTLY SEEKING THE PLEDGE OF A MEMBER OF THE GENERAL ASSEMBLY REGARDING SCREENING FOR ANY JUDICIAL OFFICE UNTIL THE QUALIFICATIONS OF ALL THE CANDIDATES HAVE BEEN DETERMINED BY THE JUDICIAL MERIT SELECTION COMMISSION AND THE COMMISSION HAS FORMALLY RELEASED ITS REPORT.

Ordered for consideration tomorrow.

Senator L. MARTIN from the Committee on Judiciary submitted a favorable report on:

S. 191 -- Senators McConnell, Campsen, Sheheen, Ford, Rose and Campbell: A BILL TO ENACT THE SOUTH CAROLINA REDUCTION OF RECIDIVISM ACT OF 2009, SO AS TO PROVIDE LAW ENFORCEMENT OFFICERS WITH THE STATUTORY AUTHORITY TO REDUCE RECIDIVISM RATES,



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APPREHEND CRIMINALS AND PROTECT POTENTIAL VICTIMS FROM CRIMINAL ENTERPRISES BY AUTHORIZING WARRANTLESS SEARCHES AND SEIZURES OF PROBATIONERS AND PAROLEES; TO AMEND SECTION 20-7-8305, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE BOARD OF JUVENILE PAROLE, SO AS TO PROVIDE THAT BEFORE A JUVENILE MAY BE CONDITIONALLY RELEASED, THE JUVENILE MUST AGREE TO BE SUBJECT TO SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT AND WITH OR WITHOUT CAUSE; TO AMEND SECTION 20-7-8320, RELATING TO CONDITIONAL RELEASE, SO AS TO PROVIDE THAT THE JUVENILE MUST BE SUBJECT TO SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT AND WITH OR WITHOUT CAUSE; TO AMEND SECTION 24-19-110, RELATING TO THE PROCEDURE FOR CONDITIONAL RELEASE OF YOUTHFUL OFFENDERS, SO AS TO PROVIDE THAT BEFORE A YOUTHFUL OFFENDER MAY BE CONDITIONALLY RELEASED, THE YOUTHFUL OFFENDER MUST AGREE TO BE SUBJECT TO SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT AND WITH OR WITHOUT CAUSE; TO AMEND SECTION 24-13-710, RELATING TO THE GUIDELINES, ELIGIBILITY CRITERIA, AND IMPLEMENTATION OF A SUPERVISED FURLOUGH PROGRAM, SO AS TO PROVIDE THAT BEFORE AN INMATE MAY BE RELEASED ON SUPERVISED FURLOUGH, THE INMATE MUST AGREE TO BE SUBJECT TO SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT AND WITH OR WITHOUT CAUSE; TO AMEND SECTION 24-13-720, RELATING TO INMATES WHO MAY BE PLACED WITHIN CERTAIN PROGRAMS, SO AS TO PROVIDE THAT BEFORE AN INMATE MAY BE RELEASED ON SUPERVISED FURLOUGH, THE INMATE MUST AGREE TO BE SUBJECT TO SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT AND WITH OR WITHOUT CAUSE; TO AMEND SECTION 24-13-1330, RELATING TO A COURT INMATE'S AGREEMENT TO TERMS AND CONDITIONS, SO AS TO PROVIDE THAT BEFORE AN INMATE MAY BE RELEASED ON PAROLE, THE INMATE MUST AGREE TO BE SUBJECT TO SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT AND WITH OR WITHOUT CAUSE; TO AMEND SECTION 24-21-410, RELATING TO THE

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COURT BEING AUTHORIZED TO SUSPEND IMPOSITION OF SENTENCE FOR PROBATION AFTER CONVICTION, SO AS TO PROVIDE THAT BEFORE A DEFENDANT MAY BE PLACED ON PROBATION, THE DEFENDANT MUST AGREE TO BE SUBJECT TO SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT BASED ON REASONABLE SUSPICIONS; TO AMEND SECTION 24-21-430, RELATING TO THE CONDITIONS OF PROBATION, SO AS TO PROVIDE THAT THE CONDITIONS IMPOSED MUST INCLUDE THE REQUIREMENT THAT THE PROBATIONER MUST PERMIT SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT BASED ON REASONABLE SUSPICIONS; TO AMEND SECTION 24-21-560, RELATING TO COMMUNITY SUPERVISION PROGRAMS, SO AS TO PROVIDE THAT THE CONDITIONS OF PARTICIPATION MUST INCLUDE THE REQUIREMENT THAT THE OFFENDER MUST PERMIT SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT BASED ON REASONABLE SUSPICIONS; TO AMEND SECTION 24-21-640, RELATING TO THE CIRCUMSTANCES WARRANTING PAROLE, SO AS TO PROVIDE THAT BEFORE AN INMATE MAY BE RELEASED ON PAROLE, THE INMATE MUST AGREE TO SEARCH AND SEIZURE WITH OR WITHOUT A SEARCH WARRANT AND WITH OR WITHOUT CAUSE; AND TO AMEND SECTION 24-21-645, RELATING TO THE ORDER AUTHORIZING PAROLE, SO AS TO PROVIDE THAT THE CONDITIONS OF PAROLE MUST INCLUDE THE REQUIREMENT THAT THE PAROLEE MUST PERMIT SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT AND WITH OR WITHOUT CAUSE.

Ordered for consideration tomorrow.

Senator GROOMS from the Committee on Transportation submitted a favorable report on:

S. 274 -- Senator Williams: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 9 IN DILLON COUNTY FROM ITS INTERSECTION WITH HIGHWAY 57 TO 2725 HIGHWAY 9 WEST AS THE "REVEREND RICHARD 'DICK' ALDERMAN HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY

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THAT CONTAIN THE WORDS "REVEREND RICHARD 'DICK' ALDERMAN HIGHWAY".

Ordered for consideration tomorrow.

Senator GROOMS from the Committee on Transportation submitted a favorable report on:

H. 3061 -- Rep. A.D. Young: A BILL TO DESIGNATE A CERTAIN PORTION OF DORCHESTER COUNTY AS COOSAW POINTE, AND TO REQUEST THE SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION TO ERECT SIGNS INDICATING THIS AREA DESIGNATED AS COOSAW POINTE.

Ordered for consideration tomorrow.

Senator LEATHERMAN from the Committee on Finance submitted a favorable report on:

H. 3232 -- Rep. Hosey: A JOINT RESOLUTION TO CHANGE THE CERTIFICATION DATE FOR THE RESULT OF A CAPITAL PROJECTS SALES AND USE TAX ACT REFERENDUM HELD AT THE TIME OF THE 2008 GENERAL ELECTION FROM NO LATER THAN NOVEMBER 30, 2008, TO NO LATER THAN DECEMBER 11, 2008.

Ordered for consideration tomorrow.

Senator COURSON from the Committee on Corrections and Penology submitted a favorable report on:

H. 3267 -- Education and Public Works Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO OPERATION OF PUBLIC PUPIL TRANSPORTATION SERVICES, DESIGNATED AS REGULATION DOCUMENT NUMBER 3209, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Ordered for consideration tomorrow.

#### **HOUSE CONCURRENCES**

S. 290 -- Senator Massey: A CONCURRENT RESOLUTION TO DECLARE FEBRUARY 2009 AS "NATIONAL CHILDREN'S DENTAL HEALTH MONTH" IN SOUTH CAROLINA AND FRIDAY, FEBRUARY 6, 2009, AS "GIVE KIDS A SMILE DAY" TO PROMOTE ORAL HEALTH AND TO JOIN IN THE EFFORTS

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THROUGHOUT THE NATION TO ADVOCATE FOR ORAL HEALTH AWARENESS AND OPTIMAL ORAL HEALTH IN CHILDREN.

Returned with concurrence.

Received as information.

S. 297 -- Senators Jackson, Anderson, Bryant, Campbell, Courson, Davis, Elliott, Fair, Ford, Knotts, Lourie, Malloy, S. Martin, Massey, Mulvaney, Nicholson, Peeler, Rankin, Scott, Setzler, Sheheen, Shoopman, Williams and Rose: A CONCURRENT RESOLUTION TO INVITE THE HONORABLE BARACK H. OBAMA, PRESIDENT OF THE UNITED STATES OF AMERICA, TO ADDRESS THE SOUTH CAROLINA GENERAL ASSEMBLY IN JOINT ASSEMBLY IN THE CHAMBER OF THE HOUSE OF REPRESENTATIVES AT A TIME TO BE DETERMINED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE PRESIDENT TEMPORE OF THE SENATE.

Returned with concurrence.

Received as information.

**THE SENATE PROCEEDED TO A CALL OF THE UNCONTESTED LOCAL AND STATEWIDE CALENDAR.**

#### **THIRD READING BILL**

The following Joint Resolution was read the third time and ordered sent to the House of Representatives:

S. 289 -- Senator L. Martin: A JOINT RESOLUTION TO ALLOW THE CRIMINAL DOMESTIC VIOLENCE STUDY COMMITTEE, AS ESTABLISHED BY ACT 402 OF 2008, ADDITIONAL TIME TO REVIEW THE CRIMINAL DOMESTIC VIOLENCE LAWS OF THE STATE AND MAKE RECOMMENDATIONS TO THE GENERAL ASSEMBLY CONCERNING ANY PROPOSED CHANGES.

#### **ADOPTED**

S. 299 -- Senator Leatherman: A SENATE RESOLUTION TO DESIGNATE THE WEEK OF JANUARY 25 THROUGH JANUARY 31, 2009, AS NURSE ANESTHETISTS WEEK AND TO RECOGNIZE THE IMPORTANCE OF CERTIFIED REGISTERED

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**NURSE ANESTHETISTS AND THEIR ROLE IN PROVIDING  
QUALITY HEALTHCARE FOR THE PUBLIC.**

Senator LEATHERMAN spoke on the Senate Resolution.

The Senate Resolution was adopted.

**Recorded Vote**

Senator RYBERG desired to be recorded as voting in favor of the adoption of the Resolution.

**LOCAL APPOINTMENTS**

**Confirmations**

Having received a favorable report from the Senate, the following appointments were confirmed in open session:

Reappointment, Greenville County Board of Voter Registration, with  
the term to commence March 15, 2008, and to expire March 15, 2010

Gerald W. Barron, Jr., 20 Farrell Kirk Lane, Greenville, SC 29615

Reappointment, Greenville County Board of Voter Registration, with  
the term to commence March 15, 2008, and to expire March 15, 2010

William Donald Owens, 408 West Poinsett Street, Greer, SC 29650

Reappointment, Greenville County Board of Voter Registration, with  
the term to commence March 15, 2008, and to expire March 15, 2010

Lyman Wayne Davis, 608 North Weston Street, Fountain Inn, SC  
29644

**MOTION ADOPTED**

On motion of Senators CLEARY and McGILL, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Vernon E. Port of Hemingway, S.C. Mr. Port was a loving husband and devoted father, grandfather and great-grandfather.

**ADJOURNMENT**

At 2:46 P.M., on motion of Senator McCONNELL, the Senate adjourned to meet tomorrow at 11:00 A.M.

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